

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JERRY LEVINGSTON

* CIVIL ACTION NO. 08-1336

VERSUS

* JUDGE JAMES

T G C INDUSTRIES, INC., ET AL.

* MAGISTRATE JUDGE HAYES

JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED, AND DECREED that the motion to dismiss [Doc. # 5] filed by Defendants TGC Industries, Inc.; Butch Parrish; and Jerry Tanner is hereby **GRANTED IN PART, DISMISSING with prejudice** the following: 1) Plaintiff's claims against Defendants Butch Parrish and Jerry Tanner in their entirety; and 2) Plaintiff's constitutional claims under 42 U.S.C. §§ 1983 & 1985 against Defendant TGC Industries, Inc. Defendants' motion to dismiss [doc. # 5] is otherwise **DENIED**. Plaintiff's remaining employment discrimination claims against TGC are preserved.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims against Defendants Greg Bergeron, Tim Bishop, and the Attorney General of Louisiana are hereby **DISMISSED WITH PREJUDICE, in their entirety**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the motion to dismiss [Doc. # 17] filed by Defendant Attorney General of Texas is hereby **GRANTED IN PART**, and

that Plaintiff's claims against said Defendant are **DISMISSED WITHOUT PREJUDICE**, in their entirety, for lack of in personam jurisdiction. The motions to dismiss [Doc. #s 13 & 17] filed by the Defendant Attorneys General of Louisiana and Texas are otherwise **DENIED**, as **MOOT**.

IT IS FURTHER ORDERED that plaintiff is granted a 30-day extension of time to perfect service against Defendant TGC.

MONROE, LOUISIANA this 3 day of February, 2009.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE